1949

File No. O. Cr. P.C./49

G 3/49

Legal Department

BRANCH

Subject:— Opinion on the Criminal Procedure Code - 1949.

File No. O. Cr. P.C. /49

Jan. 194 o.

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C O N T E N T S.

Legal Department File No. [illegible]

No.	L.I./3.No.	Subject	Page.

Opinions under the Criminal Procedure Code, 1945.

1.	G.24 25-1-49.	Section 523. Two parcels containing cotton cloth booked by one Hajid Ismb from Bobby Central to Karachi and detained by the Police at Ahmadabad for want of regular transport permit— The consignor having left for Pakistan whether the cloth attached should be confiscated as the alleged owner i.e. Hajid Ismb should be asked to come and attend his trial in the Indian Dominion. ——— 1-6 (Copies not made)	
2.	G.575 6-8-1949	Recovery of fine of Rs.2000/- imposed on Ganchi Lalchand Govind an examination [illegible] a bank extrajudicially by the then Rajpipla Darbar in the exercise of powers conferred by the Minor Notifn. No.47 of 1943-44, dated 27-11-1943. 7-10 (Copies not made)	
3.	G.620 31-10-1949	Illegal import of Charcoal weighing about 300 maunds at Dadar from Lucknow by one Chimanlal Hathuramka—seizer of [illegible] by the Railway Police— whether there is any legal objection to hand over the stock after [illegible] judgment [illegible] sealing to the custody of a wholesaler pending decision of the Court on C.L.V. Rbn no godowns for storing Charcoal. 11-24 (pp. 11-12 not copied)	
4.	G.720 3-12-1949	If these bags which were produced in the case against G.G. Hiremath stolen by saboteurs while still in the custody of the Police— Whether Govt. would be liable to pay compensation to the owner of these bags either as a trustee or bailee. ——— 25-26	

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N.I./0.No.		
13-12-1960	Illegal disposal of Govt. food-grains by timbin of the C.C. Kristam. — Amount of Rs.2556/- which obviously formed part of the proceeds of the illegal disposal was forfeited to Govt. by order of the Presidency Magistrate II, Court, Egmore. — Whether C.S.D. can claim to be re-imbursed from the said amount of sale proceeds etc. (Copies not made)	17.2

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Office of the Hon'ble

It will not be proper for the Director of Civil Supplies, Bombay who has been entrusted with the safe custody of this charcoal to hand it over to the wholesaler for safe custody. If the wholesaler commits a breach of the direction issued to him for keeping the charcoal intact and disposes it of, it would be difficult to render account to the Court. The best course would be to approach the Court with a request either to dispose of the charcoal and keep the sale proceeds in deposit or to allow the Director of Civil Supplies to keep it in the custody of the wholesaler.

Sd/- P.H. Lad
31/10

Remembrancer of Legal Affairs.

Ref. to G.O.D. no.C/635, dated 31st October 1940.

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Office of the R.L.A.

In this case the 16 wheat bags which were muddamal in the case against G.G. Hiremath were stolen by saboteurs while still in the custody of the Police. The Sub Inspector was not therefor able to produce them before the trying Court. In view of the ruling in the case of Uma Prasad Vs. Secretary of State (18 Leh 380) Government would not be liable to pay compensation to the owner of these bags x either as a trustee or bailee. The goods were kept in proper custody but were stolen by the saboteurs in 1943 and as no negligence could be imputed to Government, Government would not be liable to pay the price of the bags to Mr. Hiremath. (Please see R.L.A opinion No.3274 dated 12-8-47).

Sd/- P.M. Lad
22/12

Remembrancer of Legal Affairs.

U.O. to H.D. No.G-700, dated 23rd December 1949.

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